Previous references.

File No. 25-09

1909/10

Serial Nos. 1-2

(Sep: Revⁿ)

Later references.

B Jany/13 Sr 1-4 SR 33-12

B July/13 Sr 1 4 Dr 260-12

S.R. 3-17 Sr 49-50, 56, 87, 89, 93, 98 & 100.

5. Feby 18.

17 P

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B. for October 1909

SUBJECT.

Notifying the delegation to the Excise Commissioner of certain powers under Section 4 (*g*) of the Mysore Excise Regulation, V of 1901, as amended by Regulation IV of 1902, V of 1904 and V of 1906.

---

1) From the Excise Commr no. 4020 dt 20/9/09 submits for approval & sgt a draft notification delegating to the Excise Commr & certain powers of Govt. under Section 2 & of the Excise Regn for reasons given by him.

2) To the Compiler of Mysore Gazette no 71 1882 dt. 2.10.09 Notifies the delegation of the powers as above

G.R.S. 11] 1909

GENERAL AND REVENUE SECRETARIAT.

(SR)

NOTES.

File No. 25-09

FILE HEADING.

Delegation to the Excise Comr of certain powers of Govt. under Sec 24 of the Excise Regulation

From The Excise Comr

No. 702 Dated 20/7/09 Received 23/7/09

Diary No. 422 | Enclos. (| Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits for orders of Govt. a draft note delegating to the Excise Comr of the powers of Govt. under Sec 24 of the Excise Regn for reasons stated in note.

NOTES AND ORDERS.

1- The grounds upon which the Excise Comr asks for powers under Sec 24 of the Excise Regn are:-

1) All the license conditions are pretty the same as those of the sale notices

GPB—30,000—3-4-07.

Serial No.

of Govt. Any additions required to be made in the course of the year will be only of minor importance which will not interest Govt. and there will be some delay in obtaining Govt. sanction for such additions or alterations.

2) That as regards powers referred to in Sec. 24, the powers of Govt. is already exercised by the Excise Comr. there has been no formal delegation to this effect.

3) That powers of Govt. under Sec 6 have been delegated to the Excise Comr. by Notn no 7875-8M 9-08-2 dt 17/8/08.

2. The Excise Comr. proposes that the powers of Govt. under Sec 24 may be duly delegated to him with the restriction that all alterations in the Conditions of the sale Notn should have the previous sanction of Govt.

GPB—50,000—13-5 08

(B)

Serial No.

3 In para 2 of the letter under disposal the Excise Comr states that the licenses issued to the Contractors will contain all the conditions of the sale notice and any alteration reqd will be of only minor importance which will concern with the details of the working of the depôts. In the same paragraph he proposes the delegation subject to the restriction that any alterations in the conditions of the sale notifns should require the sanction of Govt. It is therefore not clear what other conditions there may be necessitating reference in the licenses. As regards the details of the working of the Department the Excise Comr is already vested with liberty to issue instructions under departmental circulars except in so far as they are not in consistent with the standing

NOTE—Contn. sheet.

GPB—50,000—13-5 08

G. R. S. 12]
General and Revenue Secretariat.

GR File No. 25 of 1909

(C)

Serial No.

orders & license Conditions

4 As regards the notification (draft) itself submitted by the Excise Comr -

Cl (a) It is not clear how far & in what respect he can be invested with powers to fix fees on licenses & permits as the provisions are made for it in the rules and sale notifications.

Cls (b) & (c). The difference between the two is not understood.

5 This note is however an exact copy of that of the Madras Govt. The Excise Comr [illegible] wants the powers to be delegated & even perhaps with a view to insert in the licenses any additional conditions necessary not inconsistent with the standing orders without it's troubling Govt. therefor submitted for orders

The 6 Can the Office prepare

5 for

5

NOTE—Contn. sheet.

GPB—50,000—13-5 08.

Serial No.

Subs any instance of additional conditions (in other than those specified in the Sale notifications) being inserted in the licenses?

24/8/09

Ruled not desirable to have any instance

The Secy

wd 11/9.

8 The Conditions in the licenses are practically, though not necessarily, the same as those inserted in the Sale notifications ~~as they are~~ and it is therefore not quite clear whether there will be any great practical advantage in the proposed delegation However as the Sale notifications can not be altered except with the approval of the Govt and as the proposal may result in some decentralisation of powers in minor matters, the proposal of the Excise Commr may be adopted

9 If the proposal is approved, the draft notification sent by the Excise Commr may be approved (2

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

Have slightly altered the phraseology of clauses (b) & (c) of the draft notification 16/9/09. SH

Sec. I.

I may be approved with the further modifications made by me in pencil, making the Ex-Comrs. powers exercisable "subject to the general or special orders of Govt if any."

Draft as revised 20/9/09

SH 20/9/09

Note to put up clean copy for signature of Secretary to Govt

Signed & issued 22.9.09

3649

11 may be approved

22.9.09

2644 24.9.09

12 Approved

24/9/09

SH 24/9/09

13 Issued

SH 29/9/09

Published on page 529 of part III of the Gazette of 7.10.09

2 To the Compiler, Supplement to Gazette. Notifies the delegation of the powers to the Ex-Comrs.

NOTE—Contn. sheet.

GPB—50,000—18-5 08

S.R. 25-09-1.
5422

190

From H. H. Sparkes, Esq.,

Excise Commissioner

in Mysore.

To

K.S.Chandrasekhara Aiyar, Esq.,
B.A., B.L.,
Secy. to the Govt. of H.H. the
Maharaja of Mysore, Genl. and
Rev. Depts.

Dated 20th July 1909.

Despatched

Received

General No. 702

No.

Enclosure No.

Subject.

Submitting a draft Notification re: the delegation of certain powers under section 24 of Excise Regulation to the Excise Commissioner in Mysore.

D 422 Sgh 25-09 Sec (1)

Excise Commissioner's Office,

No. 702 Dated, Bangalore, 20th July 1909.

From E.1

H. H. Sparkes, Esquire,
Excise Commissioner
in Mysore.

To

K. S. Chandrasekhara Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness the
Maharaja of Mysore, General and Revenue Depts.

Sir,

I have the honor to bring to the notice of Government that it is under section 24 of the Excise Regulation that the forms and conditions of Excise licenses are prescribed and the power vested in Government under this section has not been delegated to the Excise Commissioner. The consequence is that all licenses have now to be prescribed by Government and in the case of any the least change - - required in any of the licenses a reference has to be made to Govern--ment. It is inevitable that this procedure should involve some -- delay and the reservation of the power in Government itself does not serve any very useful purpose, while its delegation to the Excise Commissioner, as is done in Madras, would result in immense advantage to the efficient working of the license conditions.

2. Arrack, toddy and drugs are the principal items of Excise - - revenue and the licenses issued in respect of these Excise articles

are

are based on the conditions of the Sale Notification which the - - Excise Commissioner, after taking the orders of Government, periodi--cally issues, for publication in the Gazette. A perusal of the consolidated notification of the year 1909-1910 will show that it contains the General conditions applicable to all Excise and Opium Licenses as well as the special conditions applicable to arrack, toddy, Ganja and opium licenses. The licenses issued in respect of these articles will, therefore, contain all the aforesaid condi--tions and any additions which may be made will only be of very - - minor importance, which will concern with the details of the working and which will not interest Government of the Department. Under the existing orders the sanction of - - Government is necessary to make any alteration in the Sale Notifica--tion and another sanction is necessary to insert the same in the license conditions. Another anamoly which existed till very lately was that the Ganja and Beer Sale Notifications were issued by the Excise Commissioner without reference to Government while to insert any changes made in such notifications in the licenses pertaining to these articles, the sanction ~~was~~ of Government was necessary. With the restriction that all alterations in the conditions of the Sale - - Notification should have the previous approval of Government, the power under section 24 may safely be delegated to the Excise Commis--sioner.

3. As regards licenses pertaining to Excise articles other than those referred to in the last para, I may say that no article is - - brought under the purview of the Excise Regulation without the - - previous approval of the Government. Besides the general conditions published in the Sale Notification are applicable as far as possible to the licenses under reference also. These licenses not only bring in a very inferior portion of the revenue but are mainly directed -- towards the protection of the other items barring a few cases which are brought under restriction from a temperance point of view.

4. As regards the permits referred to in section 24 I beg to - - submit that the power vested in Government is already being exercised by the Excise Commissioner though there has been no formal delega--tion. In Notification No. Fl.875/S.R.19-08-2, dated the 17th - - August 1908, the powers of Government under section 6 of the Regula--tion have been delegated to the Excise Commissioner.

5. In view of the advantage that will be gained in the details of working and the restriction under which the power will be exercised, I submit for the consideration of Government the advisability of - - delegating to the Excise Commissioner their powers under section 24 of the Excise Regulation.

6. I beg to enclose the necessary Notification which will have to

be

11(c)

N O T I F I C A T I O N .

No. dated

(8) Under section 4 (8) of the Mysore Excise Regulation V of 1901, as amended by Regulations IV of 1902, V of 1904 and V of 1906, the Government of His Highness the Maharaja of Mysore hereby delegate the following power to the Excise Commissioner in Mysore : -

Power under section 24, to determine, from time to time, ~~as he shall see fit, in the case of licenses and permits granted under the Regulation~~ subject to the general or special orders of Govt. if any,

(a) the fees to be charged for ~~such~~ licenses and permits granted under the Regulation and the periods for which they shall be issued;

(b) subject to what restrictions and conditions and in what forms such licenses and permits shall be granted; and

(c) what particulars such licenses and permits shall contain.

Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments.

(b) the forms in which and the ~~conditions~~ restrictions and conditions subject to which such licenses and permits shall be granted; and

(c) the particulars which such licenses and permits shall contain.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No:- Je 1882
S.R.25-09-2

Dated Bangalore, the 2 October 1909.

Notification.

Under section 4 (g) of the Mysore Excise Regulation V of 1901 as amended by regulations IV of 1902, V of 1904 and V of 1906, the Government of His Highness the Maharaja of Mysore hereby delegate the following power to the Excise Commissioner in Mysore :-

Power under section 24 to determine from time to time subject to the general or special orders of Government, if any,

(a) the fees to be charged for licenses and permits ~~to~~ be granted under the regulation and the periods for -- which they shall be issued;

(b) the forms in which and the restrictions and conditions subject to which such licenses and permits shall be granted, and

(c) the particulars which such licenses and permits -- shall contain.

Tr 224
5.10.09.
Translated
31.10.09 Sd/

By order,

Sd/ K.S. Chandrasekharaiengar

for Secretary to Government.

To

Genl & Rev. Dept to

The Compiler, Mysore Gazette, for publication in the part III of the gazette. in 3 successive issues

P.T.O.

D.K. Read back
with translation of Notification

NOTIFICATION.

No. Fl. 1882—*S. R.* 25-09-2, *dated 2nd October* 1909.

Under Section 4 (*g*) of the Mysore Excise Regulation, V of 1901, as amended by Regulations, IV of 1902, V of 1904 and V of 1906, the Government of His Highness the Maharaja of Mysore hereby delegate the following power to the Excise Commissioner in Mysore:—

Power under Section 24 to determine from time to time, subject to the general or special orders of Government, if any,

(*a*) the fees to be charged for licenses and permits granted under the regulation and the periods for which they shall be issued,

(*b*) the forms in which, and the restrictions and conditions subject to which such licenses and permits shall be granted, and

(*c*) the particulars which such licenses and permits shall contain.

By Order,

K. S. CHANDRASEKHARA AIYAR,

Secy. to Govt., Gen. & Rev Depts.